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Notice of Allowability

Application No.

10/799,450

Applicant(s)

LOVOI ET AL.

Examiner

Art Unit

Courtney Thomas

2882

-- **Th MAILING DATE of this communication appears on the cover sheet with the corresponding address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 12/01/05.
2. ☒ The allowed claim(s) is/are 19-24, 28-30, 33 and 34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Cancel claims 1-18, 25-27, 31 and 32.

Election/Restrictions

2. Applicant's election without traverse of claims 19-24, 28-30, 33 and 34 in the reply filed on 12/01/05 is acknowledged.

3. This application is in condition for allowance except for the presence of claims 1-18, 25-27, 31 and 32 directed to species non-elected without traverse. Accordingly, claims 1-18, 25-27, 31 and 32 have been cancelled.

Allowable Subject Matter

4. Claims 19-24, 28-30, 33 and 34 are allowed.

5. The following is an examiner's statement of reasons for allowance:

6. **As per claim 19 and dependent claims 20-24**, the examiner found no reference in the prior art that disclosed or made obvious a miniature X-ray tube having a cathode with a cathode filament, an anode and an extractor cup adjacent to the cathode, a means of connecting high voltage potential to the extractor cup comprising: a wire extending from an end of the cathode filament and into electrical contact with a wall of the extractor cup, the extractor cup comprising

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a hollow shape with conductive material at least on an inner surface of the extractor cup, as recited in independent claim 19.

7. **As per claim 28 and dependent claims 29, 30, 33 and 34**, the examiner found no reference in the prior art that disclosed or made obvious a miniature X-ray tube having a cathode with a cathode filament, an anode and an extractor cup adjacent to the cathode, a means of connecting high voltage potential to the extractor cup comprising: a second conductive lead extending from a cathode base and being connected with an inner surface of the extractor cup, the extractor cup comprising a hollow shape with conductive material at least on an inner surface of the extractor cup, as recited in independent claim 28.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: **U.S. Patents 5,621,780; 5,854,822; 6,319,188; 6,987,835 commonly owned by Xoft Microtube Inc.** disclose a structure of a miniature X-ray tube comprising a cathode filament, anode and extractor cup, but fail to disclose or make obvious a structure comprising a wire, extending from a filament and contacting an inner surface of an extractor cup, as claimed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney Thomas whose telephone number is (571) 272-2496.

The examiner can normally be reached on M - F (9 am - 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272 2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink that reads "Courtney Thomas". The signature is written in a cursive, flowing style.

Courtney Thomas
Primary Examiner
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